IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12190 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PUNDRIKBHAI HARIPRASAD VASA

Versus

VIDYABEN RASIKLAL SHAH

Appearance:

1. Special Civil Application No. 12190 of 2003

MR BR GUPTA for Petitioner No. 1

MR DAKSHESH MEHTA for Respondent No. 1

..... for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 04/09/2003

ORAL JUDGEMENT

Looking to the course adopted for deciding this case, in my opinion, it is not necessary to set out the facts of the case in detail.

2. The petitioner, who is a tenant, has been aggrieved by an order dated 23.7.2003 passed below Ex. 10 in Civil Revision Application No. 21 of 2003 by the Appellate Bench of the Small Causes Court, Ahmedabad. By virtue of the impugned order, the Appellate Bench of the Small Causes Court has confirmed the order dated 10.4.2003 passed below Ex. 101 in H.R.P. Civil Suit No. 627/96.

3. The learned advocates have submitted that instead of deciding all the issues together, the trial court had decided some of the issues and had given direction to the petitioner tenant to deposit the amount of municipal tax arrears and the amount of rent to the extent of Rs. 1,21,181.28 within one month from the date of the said order.

4. Being aggrieved by the said order, the petitioner had filed the civil revision application, which has been dismissed by an order dated 23.7.2003. The learned advocates have submitted that the litigants are interested in getting the dispute resolved by the trial court at an early date. In the circumstances, without going into legality or otherwise of the order passed by the Appellate Bench of the Small Causes Court in C.R.A. No. 21/2003 dated 23.7.2003, it is directed that the trial court, namely, the Small Causes Court, Ahmedabad, shall decide the remaining issues as soon as possible and preferably within a period of one month from the date of receipt of this order.

5. In view of the above order, the impugned order passed in C.R.A. No. 21/2003 is quashed and set aside. Needless to say that while passing this order, this court has not examined the merits of the case and this order should also not mean that the order of the trial court has been approved by this court.

The petition stands disposed of as allowed. Rule is made absolute with no order as to costs.

(hn) (A.R. Dave, J.)